

REMARKS

Claims 1-5 and 20-24 and 26-32 are pending in the application.

I. Rejection under 35 U.S.C. § 102(a) based upon U.S. Patent No. 6,857,683.

The Examiner has repeated the rejection of claims 1, 2, 4, 20, 21, 24, 26, 27, 29, 31 and 32 under 35 U.S.C. § 102(e) based upon U.S. Patent No. 6,857,683 of Myers (“Myers”). The Applicants renew their traversal to this rejection. Myers does not anticipate the patent invention as claimed for it does not teach or suggest at least two elements.

First, Myers does not teach or suggest a method of manufacturing a thermoformable composite panel that includes forming a first lower panel having a peripheral lip and a plurality of raised projections that are coplanar and adhering the coplanar surfaces to the upper panel. Myers teaches that its truck bed cover is rounded to prevent accumulation of precipitation on the truck bed cover. Col. 1, 45-47. Thus, the recessed portions 32 which are adhered to the top cover 28 are not coplanar when the truck bed cover is assembled. As the truck bed cover is rounded and the Myers support base follows the curvature of the rounded truck bed cover, the recessed portions are necessarily situated in different planes in space and may not be adhered to the top cover at all in some regions such as the deepest portion of the top cover’s curvature. Consequently, the Myers panels would not provide the same level of structural support that the panels produced by the claimed method do. The claims, in contrast, recite a method of manufacturing a composite panel in which the upper surfaces of the plurality of the raised projections are coplanar because of the overall flat profile of the resultant composite panel and are secured to the second upper panel. Thus, a coplanar arrangement of a plurality of raised projections is lacking in the disclosure of Myers. Moreover, none of the support elements shown in Fig. 3 or elsewhere in Myers is in the form of convolutions or triangles in a closed X pattern as are recited in the methods of claims 2 and 4.

The Examiner has rejected the applicants’ argument that the covers of Myers differ from the invention structurally at least because the Myers cover is rounded. The Examiner states that this is not a proper reading of Myers. According to the Examiner, Myers teaches that he Myers covers “**MAY** be rounded” (emphasis in original; citing col. 1, lines 45-47).

Myers specifically teaches that the truck bed cover has a rounded top to prevent accumulation of moisture on the cover:

Truck bed cover 10 has a top side, shown generally at 12 . . .
As seen in the profile of top side in FIG. 3, top side 12 is rounded from front side 14 to rear side 18. As is also evident from the ability to view top side 12 above right side 16, top side 12 is rounded from right side 16 to left side 20. This is further demonstrated by the centerline of top side 12 in FIG. 1. This rounding prevents accumulation of moisture on cover 10 in the form of rain, snow, or ice.

Col. 3, lines 37-47.

The portion of the Myers reference on which the Examiner relies is not describing to the invention, but a prior art “hard cover” which is different from the both Myers invention and the instant invention. (See, Background of the Invention, heading 2 “Related Art”).

With respect to the Examiner’s assertion that the elements of claims 2 and 3 do not additionally distinguish over Myers, the applicants disagree. No embodiment of Myers is shown that contains co-planar convolutions, and the Examiner himself has failed to identify and portion of the Myers to support his contention. Similarly, no structure identical to the X types supports, as defined in the instant application, is shown in Myers. The X configuration pointed out by the Examiner, is not structurally the same as that of the invention.

The Myers reference is missing at least one element of the invention as claimed. Therefore, it does not anticipate the claims.

Reconsideration of the rejection and allowance of the claims at the earliest opportunity are respectfully requested.

II. Obviousness Rejections

The Examiner has repeated the rejection of the pending claims under 35 U.S.C. § 103(a) for obviousness over the combination of U.S. Patent No. 5,273,606 of Greve et al. (“Greve”) and Myers alone an/or in combination with one or more of the following: U.S. Patent No. 6,568,495 of Corder et al (“Corder”); and/or U.S. Patent No. 5,124,191 of Seksaria (“Seksaria”). Moreover, the Examiner has issued a new rejection, asserting that claim 24 is obvious over the

disclosure of Seksaria, Fujimoto and/or Myers and/or Greve. The Applicant traverses each of these rejections.

Greve:

Greve teaches a bonding technique for creating a multi-paneled device. The multi-paneled device created is made up of a first panel and a second panel that is shorter in length than the first panel. An edge portion of the first panel is folded over the edge of the second panel and forms a flow channel into which an adhesive substance may be injected. In the method of Greve, the first panel and the second panel are secured by the bonding of the adhesive injected into the flow-channels. The panel of Greve is not configured so that the lips of the panels are configured to fit snugly against and within the peripheral lip of the second panel. In contrast, the extending end of the first Greve panel is folded up and its edged is mated to the edges of the second panel.

Corder:

Corder teaches an automotive vehicle system that includes a lifting mechanism, a body panel having a hinge side and a latch side coupled to the lifting mechanism. The lifting mechanism is operable to raise the hinge side and the latch side of the body panel. Corder provides no disclosure of the structure of the hood or body panels that are incorporated into the automotive vehicle system. Moreover, Corder is completely silent with respect to any method of preparing such panels. Corder is relied upon by the Examiner for disclosure of body panels being used as an engine compartment hood, a truck or deck lid, or a convertible roof tonneau cover.

Seksaria:

Seksaria teaches a structural panel consisting of a first sheet and a second plastic rigidifying sheet that may be made of a synthetic resin. The first sheet is made of sheet metal. The plastic rigidifying sheet is molded into a plurality of a regular inverted cup shaped elements and is adhered to the metallic sheet. The two-component structural panel of Seksaria is configured to accommodate the randomly spaced engine components that one may find in the engine cavity of an automobile and is used for engine hoods, deck lids and roofs.

Fujimoto:

Fujimoto teaches a hood structure that includes an "outer" and an "inner." The "inner" has a cross-sectional shape of a sine curve or a spline curve.

None of the combinations of these references proposed by the Examiner render the claimed invention obvious for each combination lacks one or more elements of the claims and/or a person of skill in the art would not have had any apparent reason to make the combinations as suggested by the Examiner.

Claims 1, 2, and 24 Over Myers-Greve:

The Myers-Greve combination forms the basis of each of the six combinations set out by the Examiner as grounds of rejection and is by itself the basis of rejection of claims 1-4 and 24. The Myers-Greve combination, however, fails to teach or suggest the claim elements of the method and is not a combination that would have been made by a person of skill in the art. First, for the reasons given above, the Myers reference lacks a teaching of a method in which a panel having a plurality of raised projections that are coplanar is formed and adhere to the upper panel. Myers is a curved panel; thus, even assuming it discloses raised projections, such projections are not coplanar. The Examiner expressly acknowledges that a disclosure of use of any type of support elements is missing from Greve. Thus, adding Greve to Myers does not result in a combination that teaches or suggests all elements of the claimed method.

Nor would a person of skill have had a reason to make the combination of Myers and Greve. Myers emphasizes the use of the unitarily formed X-type projections to provide structural support of a rounded truck bed cover and Greve, in contrast, focuses entirely on the process by which the panels are bonded together by injection of adhesive in the hem formed by

the fold-over of the first panel. Greve is wholly silent as to the desirability of structural support in its panels. No reason existed that would have caused a person of skill to combine their teachings and arrive at the invention as presently claimed.

Claims 20, 21, 26, 27, 31 and 32 Over Myers, Greve, and Corder:

Claims 20, 21, 26, 27, 31 and 32 are obvious in view of the combination of Myers, Greve and Corder. For the reasons discussed above, the Myers-Greve combination does not teach or suggest all elements of the claims nor would a person of skill have had any apparent reason to make the combination. Corder, relied upon by the Examiner for allegedly teaching the equivalency of various automobile parts, does not remedy the deficiencies of the combination. Moreover, the Examiner has failed to articulate any reason that would have caused a person of skill in the art to make the combination of Corder with either Greve or Myers. The mere fact that each relates generally to automotive material is not a legally sufficient basis for combination under either *KSR* or *Graham v. John Deere Co.*, each of which requires a showing that there was some motivation or reason for combination.

Claims 1-3, 5, and 24 Over Myers, Greve and Seksaria:

Claims 1-3, 5, and 24 are not obvious in view of the combination of Myers, Greve and Seksaria. The Myers-Greve- Seksaria combination does not teach or suggest all elements of the claims nor would a person of skill have had any apparent reason to make the combination. For the reasons discussed above, the Myers and Greve combination does not teach or suggest all elements of the invention nor would a person of skill in the art have had a reason to combine them with each other or with Seksaria. Seksaria is applied for the teaching of forming an automotive panel having a plastic rigidifying sheet that is molded into a plurality of a regular inverted cup shaped elements and is adhered to a second metallic sheet to form a panel. The cup-shaped elements of Seksaria are not coplanar as are the projections in the claimed method. Instead they have horizontal surfaces that terminate in different planes relative to one another in order to accommodate the various raised components that are present in an engine cavity and the corresponding hills and valleys that are present in the outer metallic sheet.

No person of skill would have had a reason to combine Seksaria with Myers and/or with Greve to arrive at the invention as claimed. Seksaria teaches method of producing metallic panel of sheet metal that has structural elements configured to accommodate internal components, such

as engine parts. The Greve panels contain no structural elements at all and Greve makes no suggestion or implication that they are necessary. The objective of the Myers method is to produce a durable lightweight truck cover with minimal production time, neither of which could be achieved by fabricating a panel from a metal sheet. One would not have looked to a reference disclosing the use of a component panel of sheet metal (Seksaria) or to a reference in which no support elements are used (Greve) to combine with Myers and arrive at the inventive method as claimed.

Claim 24 Over Seksaria Myers, Greve and Fujimoto

Claim 24 is not obvious over the combination of Seksaria, Fujimoto and/or Greve and/or Myers as newly rejected by the Examiner. (Page 8). No reasoning is provided for the rejection. Applicant requests withdrawal of the rejection as improper. Second, Applicant disagrees that the combination renders the claim 25 obvious for any reason and relies upon all arguments set forth herein and of record since Fujimoto appears to be duplicative of the references already applied.

Claims 20, 21, 26-28 and 30-32 Over Myers, Greve, Seksaria and Corder:

Claims 20, 21, 26-28 and 30-32 are not obvious over Myers, Greve, Seksaria and Corder. As discussed above in the previous rejection, the combination of Myers, Greve, and Seksaria neither teaches nor suggests all elements of method as claimed nor would a person of skill have been motivated to make the combination. The addition of Corder, which allegedly teaches that all car panels are "equivalent", does fill in any of the holes present in the Myers-Greve-Seksaria combination.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the applicant has distinguished the claims over the cited prior art. Reconsideration and allowance of the claims at the earliest opportunity is respectfully requested.

Respectfully submitted,

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